

State of Wisconsin



2015 Senate Bill 96

Date of enactment: **July 1, 2015**
Date of publication*: **July 2, 2015**

2015 WISCONSIN ACT 36

AN ACT *to repeal* 9.01 (1) (ag) 1m.; and *to amend* 9.01 (1) (ad), 9.01 (1) (ag) 1., 9.01 (1) (ag) 2., 9.01 (1) (ag) 3. and 9.01 (1) (ag) 3m. of the statutes; **relating to:** fees for election recounts.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 9.01 (1) (ad) of the statutes is amended to read:

9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving the petition shall ~~calculate any fee due under par. (ag) 1m. or~~ reasonably estimate any fee due under par. (ag) 2. The clerk or body shall provide the petitioner promptly with the total due or estimate.

SECTION 2. 9.01 (1) (ag) 1. of the statutes is amended to read:

9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is less than 10 if ~~4,000~~ 4,000 or less ~~fewer~~ votes are cast or not more than ~~0.5%~~ 0.25 percent of the total votes cast for the office or on the question if more than ~~4,000~~ 4,000 votes are cast following canvassing of all valid provisional and absentee ballots, the petitioner is not required to pay a fee.

SECTION 3. 9.01 (1) (ag) 1m. of the statutes is repealed.

SECTION 4. 9.01 (1) (ag) 2. of the statutes is amended to read:

9.01 (1) (ag) 2. If subd. 1 does not apply to the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the

affirmative and negative votes cast upon any referendum question is ~~more than 2% if more than 1,000 votes are cast~~ following canvassing of all valid provisional and absentee ballots, the petitioner shall pay a fee equal to the actual cost of performing the recount in each ward for which the petition requests a recount, or in each municipality for which the petition ~~request~~ requests a recount where no wards exist.

SECTION 5. 9.01 (1) (ag) 3. of the statutes is amended to read:

9.01 (1) (ag) 3. All fees ~~calculated or~~ estimated under par. (ad) shall be prepaid in cash or another form of payment which is acceptable to the officer to whom they are paid. No petition for which a fee is required is valid unless the proper calculated or estimated fee is paid at the time of filing.

SECTION 6. 9.01 (1) (ag) 3m. of the statutes is amended to read:

9.01 (1) (ag) 3m. The petitioner shall pay any balance owing toward the fee due under subd. 2. within 30 days after the clerk or body receiving the petition provides the petitioner with a written statement of the amount due. If the petitioner has overpaid the fee due under subd. 2. the clerk or body receiving the petition shall refund the amount overpaid within 30 days after the board of canvassers makes its determination in the recount. If, as a result of the recount, the petitioner is the leading candidate, or the majority of votes cast on the referendum

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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changes from affirmative to negative or from negative to affirmative, the clerk or body receiving the petition shall refund the amount paid within 30 days after the board of canvassers makes its determination in the recount. For purposes of this subdivision, a petitioner has not overpaid the fees due under subd. 2., and is therefore not entitled

to a refund under this subdivision, if the recount results in a difference in the votes cast that is below the threshold for paying the fee under subd. 2.

SECTION 7. Initial applicability.

(1) RECOUNTS. This act first applies to petitions filed on the effective date of this subsection.

